

NOTICE OF INTENT

Department of Environmental Quality
Office of the Secretary
Legal Affairs Division

**Comprehensive Toxic Air Pollutant Emission Control Program
(LAC 33:III.221, 223, 551, 5101, 5103, 5105, 5107, 5109, 5111, and 5112) (AQ256)**

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air regulations, LAC 33:III.221, 223, 551, 5101, 5103, 5105, 5107, 5109, 5111, and 5112 (Log #AQ256).

The air toxics rule has been in effect for 15 years. It currently contains dated language that needs to be removed or modified. Updating the rule also addresses requests from industry to streamline the rule. This rule revises the air toxics rule in the following ways: eliminates obsolete rule language and most rule language concerning compliance plans and certifications of compliance; removes obsolete department requirements; clarifies area (minor) and major source requirements; utilizes applicable federal Maximum Achievable Control Technology (MACT) rules (40 CFR Part 63) for state MACT; eliminates the exemption for electric steam generating units; exempts virgin fossil fuels gas streams not containing TAPS at chemical plants; moves discharge reporting requirements to LAC 33:I.Chapter 39; advances the submittal of the Toxic Emissions Data Inventory (TEDI) reports to not later than March 31 of each year; exempts area (minor) sources from submitting TEDI reports; and revises public notice requirements. The basis and rationale for this rule are to update the Louisiana Ambient Air Quality Standards to ensure continued protection of human health and the environment.

This proposed rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This proposed rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

A public hearing will be held on January 24, 2007, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Judith A. Schuerman, Ph.D., at the address given below or at (225) 219-3550. Parking in the Galvez Garage is free with a validated parking ticket.

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by AQ256. Such comments must be received no later than January 31, 2007, at 4:30 p.m., and should be sent to Judith A. Schuerman, Ph.D., Office of the Secretary, Legal Affairs Division, Box 4302, Baton Rouge, LA 70821-4302 or to FAX (225) 219-3582 or by e-mail to judith.schuerman@la.gov. Copies of this proposed regulation can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of AQ256. This regulation is available on the Internet at www.deq.louisiana.gov/portal/tabid/1669/default.aspx.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 645 N. Lotus Drive, Suite C, Mandeville, LA 70471.

Herman Robinson, CPM
Executive Counsel

Title 33 ENVIRONMENTAL QUALITY

Part III. Air

Chapter 2. Rules and Regulations for the Fee System of the Air Quality Control Programs

§211. Methodology

A. Formula to Apportion Fees

Air Toxics Permits Application Fee for major sources of toxic pollutants (based on type of facility and on rated production capacity/throughput)	Surcharge of 10% of the permit application fee to be charged when there is an increase in toxic air pollutant emissions above the Minimum Emission Rates (MER) listed in LAC 33:III.5112, Table 51.1
Air Toxics Annual Emissions Fee for major sources of toxic air pollutants (based on air toxic pollutants emitted) ¹	Variable
Annual Maintenance Fee (based on type of facility and on rated production capacity/throughput)	Variable
New Application Fee (based on type of facility and on rated production capacity/throughput)	Variable
Major and Minor Modification Modified Permit Fee (based on type of facility and on rated production capacity/throughput)	Variable
PSD Application Fee (based on type of facility and on rated production capacity/throughput)	Surcharge of 50% of the application fee when a PSD permit application is being processed
"NESHAP" Maintenance Fee (based on type of facility and on rated production capacity/throughput)	Surcharge of 25% of the Annual Maintenance Fee for that particular process/plant to be added to the Annual Maintenance Fee
"NSPS" Maintenance Fee (based on type of facility and on rated production capacity/throughput)	Surcharge of 25% of the permit application fee to be charged for any permit application that includes the addition of new equipment subject to NSPS regulation

¹ Fees shall be assessed on major sources as defined in LAC 33:III.5103. Sources that have reduced emissions below major source thresholds are not required to submit annual emissions reports in accordance with LAC 33:III.5107.

B. - B.13.e. ...

14. Air Toxics Annual Emissions Fees based on actual annual emissions that occurred during the previous calendar year shall be assessed on major ~~stationary~~ sources as defined in LAC 33:III.5103 of toxic air pollutants that are subject to the requirements at LAC 33:III.5109, including facilities granted approval through the permitting process.

15. - 15.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 14:611 (September 1988), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:1205 (December 1991), LR 18:706 (July 1992), LR 19:1419 (November 1993), amended by the Office of Management and Finance, Fiscal Services Division, LR 22:17 (January 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:264 (February 2000), LR 26:2444 (November 2000), LR 29:2776 (December 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2435 (October 2005), LR 33:**.

§223. Fee Schedule Listing

Table 1. – Table 2, Note 12. ...

Note 13. Fees will be determined by aggregating and rounding (e.g., parts of a ton less than 0.50 are reported as zero and parts of a ton equal to or greater than 0.50 are reported as one ton) actual annual emissions of each class of toxic air pollutants (as delineated in the tables in LAC 33:III.5112, Table 51.1) for a facility and applying the appropriate fee schedule for that class. If a facility emits more than 4000 tons per year of any single toxic air pollutant, fees shall be assessed on only the first 4000 tons. Fees shall not be assessed for emissions of a single toxic air pollutant over and above 4,000 tons per year from a facility. In no case shall the minimum fee for this category shall be less than \$132.

Note 14. – Note 20. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054, 2341, and 2351 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 14:613 (September 1988), LR 15:735 (September 1989), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:1205 (December 1991), repromulgated LR 18:31 (January 1992), amended LR 18:706 (July 1992), LR 18:1256 (November 1992), LR 19:1373 (October 1993), LR 19:1420 (November 1993), LR 19:1564 (December 1993), LR 20:421 (April 1994), LR 20:1263 (November 1994), LR 21:22 (January 1995), LR 21:782 (August 1995), LR 21:942 (September 1995), repromulgated LR 21:1080 (October 1995), amended LR 21:1236 (November 1995), LR 23:1496, 1499 (November 1997), LR 23:1662 (December 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:267 (February 2000), LR 26:485 (March 2000), LR 26:1606 (August 2000), repromulgated LR 27:192 (February 2001), amended LR 29:672 (May 2003), LR 29:2042 (October 2003), LR 30:1475 (July 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 33:**.

Chapter 5. Permit Procedures

§551. Hazardous Air Pollutant (HAP) Control Technology Requirements for New Sources

A. – B. *Similar Source.* ...

C. Exemptions and Prohibitions. The requirements of this Section do not apply to:
 1. ~~electric utility steam generating units unless and until such time as these units are added to the source category list in accordance with Section 112(c)(5) of the Clean Air Act;~~

21. stationary sources that are within a source category that has been deleted from the source category list in accordance with Section 112(c)(9) of the Clean Air Act; and

32. *research and development activities*, as defined in Subsection B of this Section herein.

D. – J. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 and 2060.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 24:913 (May 1998), amended by the Office of the Secretary, Legal Affairs Division, LR 33: **.

Chapter 51. Comprehensive Toxic Air Pollutant Emission Control Program**Subchapter A. Applicability, Definitions, and General Provisions****§5101. Applicability**

A. The provisions of this Subchapter and LAC 33:III.905 apply to the owner or operator of any *major source*, as defined ~~herein~~ in LAC 33:III.5103, unless exempted under LAC 33:III.5105.B.

B. The provisions of LAC 33:III.905, 5105.A.1, 3, and 4, 5107.A, B, and C, 5111.A.4, and 5113 apply to the owner or operator of any stationary source ~~which~~ that was a major source upon promulgation of this Subchapter (as of December 20, 1991), but ~~which~~ that has achieved minor source status through reduction of emissions and reduction of potential to emit. ~~Effective upon promulgation of applicable source category rules in accordance with R.S. 30:2060, the provisions of this Subchapter apply to the owner or operator of any minor source, if specified by such rules.~~

C. The provisions of this Subchapter do not apply to the consumer use, in a duration and frequency intended by the manufacturer, of products obtained through retail commerce, or to activities conducted on residential property. The provisions of this Subchapter do not apply to the distribution or application of pesticides.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 and 2060 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:1204 (December 1991), amended LR 18:1362 (December 1992), LR 23:56 (January 1997), LR 24:1276 (July 1998), amended by the Office of the Secretary, Legal Affairs Division, LR 33: **.

§5103. Definitions, Units, and Abbreviations

A. The terms in this Subchapter are used as defined in LAC 33:III.111 except for those terms defined herein as follows.

* * *

Source Category—a classification of sources identified by EPA pursuant to Section 112(c) of the Federal Clean Air Act.

* * *

B. - B.4, std. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 and 2060 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:1204 (December 1991), amended LR 18:1362 (December 1992), LR 23:57 (January 1997), LR 24:1276 (July 1998), amended by the Office of the Secretary, Legal Affairs Division, LR 33:**.

§5105. Prohibited Activities and Special Provisions

A. - A.1. ...

2. After December 20, 1991, no owner or operator of any stationary major source ~~subject to the provisions of this Subchapter~~ shall cause a violation of any ambient air standard listed in LAC 33:III.5112, Table 51.2, unless operating in accordance with LAC 33:III.5109.B.

A.3. - B.1. ...

~~2. No later than December 20, 1994, the administrative authority shall initiate a review of electric utility steam generating units to determine whether such units shall be regulated under this Subchapter. The administrative authority may consider the results of a study of such units conducted by the United States Environmental Protection Agency as required in Title III, Section 112 of the Clean Air Act Amendments of 1990, and any other information available at that time. Until the administrative authority makes a final determination electric utility steam generating units are exempt from the requirements of this Subchapter.~~

~~23. The administrative authority shall prepare an emissions inventory of toxic air pollutant emissions from stationary combustion sources to be made available to the public not later than December 20, 1994. The administrative authority may require facilities that emit or discharge toxic air pollutants from stationary combustion sources to provide the identities and quantities of toxic air pollutants emitted or to provide information required to estimate emissions from such sources. The administrative authority shall regulate emissions of toxic air pollutants derived from the combustion of virgin fossil fuels under this Section if the administrative authority finds that such regulation is appropriate and necessary after consideration of information contained in the emissions inventory and any other information available at that time. Until the administrative authority makes a final determination, Each of the following emissions are exempt from the requirements of this Subchapter:~~

~~a. emissions from the combustion of Group 1 virgin fossil fuels; and
b. emissions from the combustion of Group 2 virgin fossil fuels
vented from a stack that has downwash minimization stack height or a height approved by the department; and~~

~~c. emissions from the combustion of gas streams not containing toxic air pollutants listed in LAC 33:III.5112, Table 51.1 or 51.3, that are generated alone or blended with other sources of virgin fossil fuels, and used as fuel.~~

~~34. Any source, as defined in accordance with rules promulgated by the United States Environmental Protection Agency under provisions in Section 112(i)(5) of the~~

federal Clean Air Act, ~~which~~ that is in compliance with an enforceable commitment approved by the administrative authority* to achieve early reductions of 90 percent or more (95 percent for particulates), or ~~which~~ that has demonstrated early reductions of 90 percent or more (95 percent for particulates), in accordance with such rules, shall be exempt from MACT requirements under LAC 33:III.5109.A. The term of exemption shall extend until such time as the compliance extension granted by the administrative authority or the U.S. Environmental Protection Agency has expired, or until nine years from the anticipated date of promulgation of applicable federal MACT standards according to the schedule published by the U.S. Environmental Protection Agency in accordance with Section 112(e)(3) of the federal Clean Air Act, whichever date is earlier. Under no circumstances shall this provision be used to grant an exemption to a source under conditions ~~which~~ that do not result in a net air quality benefit for the state of Louisiana, as determined by the administrative authority. Under no circumstances shall the granting of such an exemption to a source relieve any source of other obligations under state or federal law.

45. In accordance with R.S. 30:2060, except under circumstances ~~which~~ that may reasonably be expected to pose a threat to human health, whether or not such units are in a contiguous area or under common control, in determining the applicability of emission standards or technical control standards the administrative authority shall not aggregate:

- a. emissions from any oil or gas exploration or production well and its associated equipment;
- b. emissions from any pipeline compressor or pump station; or
- c. emissions from other similar units.

56. The emissions from the remediation of a RCRA, CERCLA, or any nonregulated inactive or abandoned waste site ~~clean-up~~ cleanup shall be exempt from the ambient air standards of LAC 33:III.5112, Table 51.2, upon approval of the ~~clean-up~~ cleanup plan by the administrative authority.

~~67. No later than December 20, 1994, the administrative authority shall initiate a review of toxic air pollutants derived from the burning of wood residue fuel at pulp and paper mills. Emissions from the combustion of such fuel shall be regulated under this Subchapter if the administrative authority determines that such regulation is appropriate and necessary. Until the administrative authority makes a final determination, e~~Emissions from the combustion of wood residue fuel from pulp and paper mills are exempt from the provisions of LAC 33:III.5109.

8. ~~A Louisiana Maximum Achievable Control Technology (MACT) determination for the pulp and paper mill source category, setting forth emission and/or technical control standards and schedules for achieving compliance, shall be promulgated by the administrative authority in accordance with the Louisiana Administrative Procedure Act. The owner or operator of any major source which is a pulp or paper mill shall assist the department in the determination of MACT by providing reasonably available technical and economic data as requested. The administrative authority shall publish and make available for comment the proposed Louisiana MACT determination within six months of promulgation of the federal MACT standards for the pulp and paper source category by USEPA or on December 20, 1997, whichever is sooner. In the event that a state MACT standard is proposed pursuant to this Paragraph prior to promulgation of federal MACT standards, the proposed effective date shall be December 20, 1998. Notwithstanding LAC 33:III.5109.A, B.3.c, D, and 5111.B.4 or any contrary provision of this Subchapter, until the administrative authority makes a final determination of MACT for pulp and paper mills, major sources in the pulp and paper mill source category are exempt from the MACT provisions of this Subchapter.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 and 2060 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:2104 (December 1991), amended LR 18:1362 (December 1992), LR 21:370 (April 1995), LR 23:58 (January 1997), amended by the Office of the Secretary, Legal Affairs Division, LR 33:**.

§5107. Reporting Requirements, Availability of Information, and Public Notice Provisions

A. Annual Emissions Reporting. The owner or operator of any stationary major source that meets the applicability requirements in LAC 33:III.5101.B and emits any toxic air pollutant listed in LAC 33:III.5112, Table 51.1 or 51.3, shall submit a completed annual emissions report to the Office of Environmental Assessment, Air Quality Assessment Division, in a format specified by the department. The owner or operator shall identify on the emissions report the quantity of emissions in the previous calendar year for any such toxic air pollutant emitted.

~~1. Initial Annual Emissions Report. The owner or operator of any major source subject to the requirements in Subsection A of this Section shall submit the completed initial annual emissions report to the administrative authority within 180 days of December 20, 1991. The initial report shall identify the quantity of emissions of toxic air pollutants listed in LAC 33:III.5112, Table 51.1 for the calendar year 1991.~~

~~1.2. Subsequent Annual Emissions Reports. After the initial annual emissions report, the owner or operator of any stationary source subject to the requirements in Subsection A of this Section shall submit a completed annual emissions report to the Office of Environmental Assessment, Air Quality Assessment Division, on or before July 1 of each year. Each subsequent report shall identify the quantity of emissions of all toxic air pollutants listed in LAC 33:III.5112, Table 51.1 or 51.3. Beginning with the report due in 2008, the annual emissions report shall meet the following requirements.~~

~~a. The owner or operator of any major source subject to the requirements in this Subsection shall submit a completed annual emissions report to the Office of Environmental Assessment, Air Quality Assessment Division, on or before March 31 of each year, that shall identify the quantity of emissions of all toxic air pollutants listed in LAC 33:III.5112, Table 51.1 or 51.3, for the previous calendar year.~~

~~b. All discharges to the atmosphere of a toxic air pollutant from a safety relief device, a line or vessel rupture, a sudden equipment failure, or a bypass of an emission control device, regardless of quantity, must be reported to the department in the annual emissions report. The report shall include the following information:~~

- ~~i. the identity of the source;~~
- ~~ii. the date and time of the discharge; and~~
- ~~iii. the approximate total loss during the discharge.~~

~~3. c. Initial and subsequent a~~Annual emissions reports and revisions to any emissions report shall include a certification statement to attest that the information contained in the emissions report is true, accurate, and complete, and that is signed by a responsible official, as defined in LAC 33:III.502. The certification statement shall include the full name of the responsible official, his or her title, and signature, the date of the signature, and the phone number of the responsible official. The certification statement shall read:

“I certify, under penalty of perjury, that the emissions data provided is accurate to the best of my knowledge, information, and belief, and I understand that submitting false or misleading information will expose me to prosecution under state regulations.”

2. Any facility required to submit a report pursuant to this Subsection shall also report in accordance with LAC 33:III.919.

B. Discharge Reporting Requirements

~~1. Emergency Conditions. For any discharge of a toxic air pollutant into the atmosphere which results or threatens to result in an emergency condition (a condition which could reasonably be expected to endanger the health and safety of the public, cause significant adverse impact to the land, water or air environment, or cause severe damage to property), the owner or operator of the source shall immediately, but in no case later than one hour, notify the Department of Public Safety 24-hour Louisiana Emergency Hazardous Materials Hotline at (225) 925-6595 (collect calls accepted 24 hours a day). Facilities with toxic air pollutant discharges shall report in accordance with LAC 33:I.Chapter 39.~~

~~2. Emission Control Bypasses. Except as provided in Paragraph B.6 of this Section, for any unauthorized discharge into the atmosphere of a toxic air pollutant as a result of bypassing an emission control device, when the emission control bypass was not the result of an upset, and the quantity of the unauthorized bypass is greater than or equal to the lower of the Minimum Emission Rate (MER) in LAC 33:III.5112, Table 51.1, or a reportable quantity (RQ) in LAC 33:I.3931, or the quantity of the unauthorized bypass is greater than one pound and there is no MER or RQ for the substance in question, the owner or operator of the source shall provide prompt notification to the Office of Environmental Compliance, Emergency and Radiological Services Division, Single Point of Contact (SPOC), of the bypass no later than 24 hours after the beginning of the bypass in the manner provided in LAC 33:I.3923. Where the emission control bypass was the result of an upset, the owner or operator shall comply with Paragraph B.3 of this Section.~~

~~2.3. Nonemergency Conditions. Except as provided in Paragraph B.6 of this Section, fFor any unauthorized discharge of a toxic air pollutant into the atmosphere that does not cause an emergency condition, the rate or quantity of which is in excess of that allowed by permit, compliance schedule, or variance, or for upset events that exceed the reportable quantity in LAC 33:I.3931, the owner or operator of the source shall immediately, but in no case later than 24 hours, provide prompt notification to the Office of Environmental Compliance, Emergency and Radiological Services Division, SPOC, in the manner provided in LAC 33:I.3923.~~

~~4. Written Reports. For every such discharge or equipment bypass as referred to in Paragraphs B.1, 2, and 3 of this Section, the owner or operator shall submit to the Office of Environmental Compliance, Emergency and Radiological Services Division, SPOC, a written report by certified mail within seven calendar days of learning of the discharge.~~

~~a. The report shall contain the following information:~~

- ~~i. the identity of the source;~~
- ~~ii. the date and time of the discharge;~~
- ~~iii. the cause of the discharge;~~
- ~~iv. the approximate total loss during the discharge;~~

- ~~v. the method used for determining the loss;~~
- ~~vi. any action taken to prevent the discharge;~~
- ~~vii. the action taken to minimize the discharge; and~~
- ~~viii. the measures adopted to prevent future discharges.~~

~~b. If written notification of the discharge or bypass is required to be submitted pursuant to LAC 33:I.3925, such notification shall fulfill the obligation to submit a written report under this Paragraph.~~

~~5. All discharges to the atmosphere of a toxic air pollutant from a safety relief device, a line or vessel rupture, a sudden equipment failure, or a bypass of an emission control device, regardless of quantity, must be reported to the department in the annual emissions report and where otherwise specified in the applicable subchapters. The report shall include the following information:~~

- ~~a. the identity of the source;~~
- ~~b. the date and time of the discharge; and~~
- ~~c. the approximate total loss during the discharge.~~

~~6. Leaks detected pursuant to specific leak detection and elimination requirements of any Subchapter of this Chapter shall be recorded and/or reported as required in that Subchapter and shall not be subject to Paragraphs B.2, 3, and 4 of this Section.~~

~~C. ...~~

~~D. Public Notice Provisions.~~

~~1. The administrative authority shall provide at least 30 days for public comment and shall give notice of any public hearing at least 30 days in advance of the hearing before granting approval for construction or issuing any permit which that would:~~

~~1. a. allow an permitted increase in any Class 1 or Class 2 Louisiana toxic air pollutant by an amount greater than the minimum emission rate; or~~

~~2. b. allow the addition of any new point source or emission unit which that would emit a Class 1 or Class 2 Louisiana toxic air pollutant by an amount greater than the minimum emission rate.~~

~~2. The administrative authority shall provide at least 30 days for public comment before granting approval of any compliance plan or certification of compliance submitted pursuant to LAC 33:III.5109.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2060 and 2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:1204 (December 1991), amended LR 18:1363 (December 1992), LR 19:890 (July 1993), amended by the Office of the Secretary, LR 19:1022 (August 1993), repromulgated LR 19:1142 (September 1993), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:58 (January 1997), LR 24:1276 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2004 (September 2000), LR 26:2460 (November 2000), LR 29:2778 (December 2003), LR 30:1673 (August 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2447 (October 2005), LR 33:**.

§5109. Emission Control and Reduction Requirements and Standards**A. Maximum Achievable Control Technology (MACT) Requirements:**

1. ~~_____~~ The owner or operator of any major source that emits or is permitted to emit a Class I or Class II toxic air pollutant at a rate equal to or greater than the minimum emission rate listed for that pollutant in LAC 33:III.5112, Table 51.1, shall control emissions of such ~~that~~ toxic air pollutants to a degree that constitutes Maximum Achievable Control Technology (MACT) as approved by the administrative authority.

~~1. _____ The owner or operator of any source that is not in compliance, prior to December 20, 1991, with all MACT requirements shall submit to the administrative authority a compliance plan for achieving compliance with MACT requirements in accordance with Subsection D of this Section. The compliance plan shall include those elements listed under Subsection E of this Section. Upon approval by the administrative authority, the compliance plan shall constitute an enforceable commitment by the owner or operator.~~

~~2. _____ The owner or operator of any source which is in compliance, prior to December 20, 1991, with any MACT requirements pursuant to this Section shall submit to the administrative authority a certification of compliance with such requirements, in accordance with Subsection D of this Section. The certification shall include those elements listed under Subsection E of this Section. Compliance with an applicable federal standard promulgated by the US EPA in 40 CFR Part 63 shall constitute compliance with this Subsection for emissions of toxic air pollutants.~~

~~3. _____ MACT determination for sources not regulated by a federal MACT standard shall be determined by the administrative authority through the permitting process using the existing state MACT determination method or protocol.~~

B. Ambient Air Standard Requirements. The owner or operator of any major stationary source that emits, or is permitted to emit, any toxic air pollutant at a rate equal to or greater than the minimum emission rate listed for that toxic air pollutant shall determine the status of compliance, beyond the source's property line, with applicable ambient air standards listed in LAC 33:III.5112, Table 51.2.

~~1. _____ The owner or operator of any such source that is not in compliance, prior to December 20, 1991, with all applicable ambient air standards, shall submit to the administrative authority a compliance plan for achieving compliance with the ambient air standard(s), in accordance with Subsection D of this Section. The compliance plan shall include those elements listed under Subsection E of this Section. Upon approval by the administrative authority, the compliance plan shall constitute an enforceable commitment by the owner or operator.~~

~~2. _____ The owner or operator of any source which is in compliance, prior to December 20, 1991, with applicable ambient air standards shall submit to the administrative authority a certification of compliance with such standards, in accordance with Subsection D of this Section. The certification shall include those elements listed under Subsection E of this Section.~~

1. _____ New major sources shall demonstrate compliance with an ambient air standard in an application for a permit in accordance with LAC 33:III.5111.

32. _____ The owner or operator shall achieve compliance with the ambient air standard unless the owner or operator demonstrates to the satisfaction of the administrative authority:

a. that compliance with an ambient air standard would be economically infeasible;

b. that the source's emissions could not reasonably be expected to pose a threat to public health or the environment; and

c. that the source's emissions would be controlled to a level that is Maximum Achievable Control Technology.

43. The administrative authority shall publish a public notice of and hold a public hearing on any preliminary determination to allow a source to exceed the ambient air standard for any toxic air pollutant listed in LAC 33:III.5112, Table 51.2. Within 90 days after the close of the public hearing on the preliminary determination, the administrative authority shall make a final determination, which is subject to review on a five-year basis or at any other time deemed appropriate by the administrative authority.

54. The administrative authority shall periodically, at least every 36 months but no later than 12 months after December 20, 1991 and every 12 months thereafter, review and update the ambient air standards listed for each toxic air pollutant in LAC 33:III.5112, Table 51.2.

C. Standard Operating Procedure Requirements:

1. The requirements of this Subsection do not apply to emissions of any of those pollutants listed in LAC 33:III.5112, Table 51.3, or to sources complying with applicable federal standards in 40 CFR Part 63.

2. The owner or operator of any new or existing source required to report emissions in accordance with LAC 33:III.5107.A shall develop a standard operating procedure (SOP) within 120 days after achieving or demonstrating compliance with the standards specified in this Chapter. The SOP shall detail all operating procedures or parameters established by the owner or operator to ensure that compliance with the applicable standards is maintained, and shall address, but not be limited to, operating procedures for any monitoring system in place, specifying procedures to ensure compliance with LAC 33:III.5113.C.5. A written copy of the SOP must be available on site or at an alternate approved location for inspection by the administrative authority. A copy of the SOP must be provided within 30 days upon request by the department. The requirements of this Subsection do not apply to emissions of those pollutants listed in LAC 33:III.5112, Table 51.3.

D. The following schedules for compliance will apply: Compliance Timing

1. The department may take appropriate enforcement action to address the failure by an existing major source to submit a Compliance Plan or Certification of Compliance, which submittal was required by Paragraph A.1 or 2, and Paragraph B.1 or 2, of this Section as promulgated in the *Louisiana Register* on December 20, 1991, at LR 17:1204, until <INSERT DATE OF PROMULGATION OF THIS RULE>.

12. Submittal of any compliance plan or certification of compliance pursuant to Subsection A or B of this Section and pertaining to a major source which is a pulp and paper mill shall be no later than December 20, 1993. Submittal of any other compliance plan or certification of compliance pursuant to Subsection A or B of this Section shall be no later than December 20, 1992. A new source shall be in compliance with the MACT regulations upon initial start-up of the source.

2. Unless otherwise determined in accordance with this Subsection, compliance with the control requirements set forth in Subsections A and B of this Section shall be achieved by the date specified in the compliance plan approved by the administrative authority. This date shall be no later than three years from the date of plan approval by the administrative authority, or December 20, 1996, whichever date is earlier.

3. ~~The owner or operator of a source unable to meet the compliance date specified in a compliance plan may request a deferred compliance schedule in accordance with Subsection F of this Section.~~

4. ~~Under no circumstance will the owner or operator of any major source under this Subchapter be granted more time to comply with Maximum Achievable Control Technology requirements than is allowed under an applicable federal MACT standard established pursuant to Section 112₂ of the Federal Clean Air Act.~~

~~E. Elements of the Compliance Plan and Certification of Compliance~~

1. ~~Each compliance plan submitted shall include:~~
 - a. ~~the name and address of the source;~~
 - b. ~~the name and telephone number of the source owner or operator or other responsible official who can be contacted concerning the plan;~~
 - c. ~~an alternative mailing address if correspondence is to be directed to a location other than that given in Subparagraph E.1.a of this Section;~~
 - d. ~~a statement specifying the requirement(s) for emissions and standards which the plan will address;~~
 - e. ~~a description of the specific measures which will be used to achieve compliance;~~
 - f. ~~a fugitive emissions monitoring and control plan, including:~~
 - i. ~~actions planned for the reduction and prevention of fugitive emissions;~~
 - ii. ~~methods and frequency of leak detection testing;~~
 - iii. ~~provisions for reporting of leak detection tests, findings, and corrective actions to the administrative authority;~~
 - g. ~~an estimation of actual emissions prior to and potential emissions after installation of control equipment or adoption of control measures, providing calculations in sufficient detail to allow assessment of the validity of the calculations;~~
 - h. ~~an estimation of the impact on releases to non-air media which would result from installation of control equipment or adoption of control measures;~~
 - i. ~~documentation of the methods and sources of information used to determine MACT, where MACT is required;~~
 - j. ~~documentation of the methods used to determine ambient air concentrations, if the plan addresses compliance with ambient air standards;~~
 - k. ~~interim dates for achieving all measures necessary to meet the compliance date, including at a minimum the following dates:~~
 - i. ~~the date by which contracts for emission control systems or process changes for emission control will be awarded, and/or the date by which orders will be issued for the purchase of component parts to accomplish emission control or process changes;~~
 - ii. ~~the date of initiation of on-site construction or installation of emission control equipment or process changes;~~
 - iii. ~~the date by which on-site construction or installation of emission control equipment or process changes are to be completed;~~
 - iv. ~~the date of testing and calibration of equipment;~~
 - v. ~~the date of implementation of the fugitive emissions monitoring and control program; and~~
 - vi. ~~the date by which final compliance is to be achieved; and~~

1. ~~any other information requested by the administrative authority which is needed to evaluate the compliance plan.~~

2. ~~Each certification of compliance shall include:~~

- ~~a. the name and address of the source;~~
- ~~b. the name and telephone number of the source owner or operator or other responsible official who can be contacted concerning the plan;~~
- ~~c. an alternative mailing address if correspondence is to be directed to a location other than that given in Subparagraph E.2.a of this Section;~~
- ~~d. a statement specifying the requirements under this Subchapter to which the certification of compliance applies;~~
- ~~e. a description of the specific measures which maintain compliance;~~
- ~~f. a description of the fugitive emissions monitoring and control plan in place, including:~~

~~i. methods used for the reduction and prevention of fugitive emissions;~~

~~ii. methods and frequency of leak detection testing;~~

~~iii. provisions for reporting of leak detection tests, findings, and corrective actions to the administrative authority;~~

~~g. an estimate of the percentage of emissions controlled, showing calculations in sufficient detail to allow assessment of the validity of the calculations;~~

~~h. documentation of the methods or sources of information used to determine MACT, where MACT is required;~~

~~i. documentation of the methods used to determine ambient air concentrations, if the plan addresses compliance with ambient air standards; and~~

~~j. any other information requested by the administrative authority which is needed to evaluate compliance.~~

~~F. Request for Deferred Compliance Schedule~~

~~1. Any request for deferred compliance pursuant to Paragraph D.3 of this Section shall be submitted in writing not less than 120 days before the final compliance date of such standard and shall include the following information:~~

~~a. all information originally submitted in accordance with Paragraph E.1 of this Section;~~

~~b. a written summary demonstrating that all practicable measures have been taken to comply with the applicable standards within the required schedule;~~

~~c. a revised compliance schedule specifying dates for achieving all remaining steps toward compliance;~~

~~d. a description of existing emission control equipment and interim emission control steps to be taken during the deferral period;~~

~~e. any other information which may be necessary to evaluate the request.~~

~~2. Submitting a request for a deferred compliance schedule does not relieve the owner or operator of his or her responsibility to comply with this Subchapter and does not preclude the department from initiating enforcement actions due to failure to comply with standards.~~

~~G. Deferred Compliance Request Review Process~~

1. ~~Within 60 days from the date that the deferred compliance request is submitted, the department shall perform a completeness review.~~

a. ~~If the request lacks information necessary for proper evaluation, the administrative authority shall provide the applicant with a list of additional information necessary to make the request complete and shall require submittal of the necessary information by a date specified by the administrative authority.~~

b. ~~If an applicant fails to provide additional information requested by the administrative authority by the date specified, the deferred compliance request shall be denied.~~

2. ~~Based on the information provided in any request under Paragraph D.3 of this Section, and any other information requested, the administrative authority may grant a deferral, provided that the applicant demonstrates all of the following:~~

a. ~~that the owner or operator did submit, in accordance with department guidelines, a complete, accurate, and sufficient compliance schedule and plan by the date specified in Subsection D of this Section;~~

b. ~~that the owner or operator did submit a request for deferred compliance in accordance with the provisions of Subsection F of this Section;~~

c. ~~that the delay in compliance with the control requirements and/or standards will be caused by circumstances beyond the applicant's control, and the applicant could not have prevented such delay by exercising due diligence;~~

d. ~~that adherence to the compliance date approved pursuant to Paragraph D.2 of this Section will result in the practical closing and elimination of any lawful business, occupation, or activity without sufficient corresponding benefit or advantage to the people of the state.~~

3. ~~In determining the appropriate final action to be taken on a deferred compliance request, the administrative authority shall consider progress which the applicant has made toward compliance with the compliance plan submitted and approved pursuant to Subsection D of this Section.~~

4. ~~Before the department takes final action on a deferred compliance request, a notice of the deferred compliance request will be published to allow adequate time for public comment.~~

5. ~~The deferred compliance shall be accomplished as expeditiously as practicable and shall not, in any case, be later than December 20, 1997.~~

6. ~~A final determination to grant or deny any deferred compliance request shall be in writing and shall specify the grounds on which the decision is based.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 and 2060 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:1204 (December 1991), amended LR 18:1363 (December 1992), LR 19:891 (July 1993), LR 23:59 (January 1997), amended by the Office of the Secretary, Legal Affairs Division, LR 33:**.

§5111. Permit Requirements, Application, and Review

A. Major Source Permit Requirements. ~~No owner or operator shall commence construction or modification of any major source without first obtaining written authorization from the administrative authority.~~ Before commencement of the construction of any new source

or any modification that will result in an increase in emissions of any toxic air pollutant or will create a new point source that emits a toxic air pollutant, the owner or operator of such source shall obtain a Louisiana air permit in accordance with LAC 33:III.501 and Subsection B of this Section and in accordance with LAC 33:I.1701.

~~1. — Before commencement of the construction of any new source, the owner or operator of such source shall obtain a Louisiana Air Permit in accordance with Subsections B and C of this Section and in accordance with LAC 33:I.1701.~~

~~2. — Before commencement of any modification not specified in a compliance plan submitted under LAC 33:III.5109.D, the owner or operator shall:~~

~~a. — if the modification will result in an increase in emissions of any toxic air pollutant or will create a new point source, obtain a permit modification in accordance with Subsections B and C of this Section.~~

~~b. — if the modification will not result in an increase in emissions of any toxic air pollutant and will not create a new point source, submit a letter requesting a permit modification to the Office of Environmental Services, Air Permits Division. The letter shall include those elements specified in Subparagraphs B.2.a, b, and c of this Section. The administrative authority shall notify the owner or operator of the determination to authorize or deny such modification within 30 days of receiving the request.~~

~~3. — Before commencement of any modification specified in a compliance plan submitted pursuant to LAC 33:III.5109.D, the owner or operator shall obtain written authorization from the administrative authority. Concurrently with submittal of the compliance plan, the owner or operator of an existing source shall:~~

~~a. — submit a letter to the Office of Environmental Services, Air Permits Division, indicating that the necessary permit modification (or new permit if no existing permit is in place) will be applied for by a date specified in the compliance schedule and requesting written authorization to construct; or~~

~~b. — submit a permit application to the Office of Environmental Services, Air Permits Division, in accordance with Subsection B of this Section.~~

~~4. — The owner or operator of any existing major source which is operating without a Louisiana Air Permit, or which is not fully permitted, at the time of promulgation of this Subchapter, shall apply for a permit in accordance with Subsection B of this Section. For sources not required to submit a compliance plan pursuant to LAC 33:III.5109.D, the permit application shall be submitted no later than December 20, 1993.~~

~~5. — The owner or operator of any major source may continue to operate such source until final action is taken on a permit application or request for permit modification, provided such operation is not in violation of an administrative order.~~

~~6. — Requirements of LAC 33:I.1701 are not applicable to permit modifications, unless such modifications include or are limited to a change of ownership.~~

B. Contents of Application for a Louisiana Air Permit

1. - 2.b. ...

c. technical information describing the proposed nature, size, design, operating design capacity, and method of operation of the source, including a description of intended controls and monitoring procedures. Such technical information shall include estimation of emissions prior to and after installation of emission control equipment or adoption of control measures, calculations of emission estimates in sufficient detail to allow assessment of the validity of the calculations, and documentation of methods or sources of information used in

these determinations. Emissions of toxic air pollutants shall be speciated to identify each toxic air pollutant emitted from each emission point at the source and to identify fugitive emissions of toxic air pollutants;

~~d. — for sources which have been operating in Louisiana for a period of at least five years, a listing of all outstanding violations of Louisiana air quality laws or regulations for which the owner or operator is responsible, including all violations for which a compliance schedule has been established. Applicants under a compliance schedule must also demonstrate that they have made satisfactory progress in meeting the conditions of the compliance schedule. Applicants must also provide a listing of all administrative or judicial actions taken against the owner or operator within the last five years under Louisiana environmental laws or regulations including emergency cease and desist orders, notices of violation, compliance orders, penalty notices, or other administrative orders and any administrative or judicial proceedings that could result in such actions, and any other compliance history information requested by the administrative authority;~~

~~e. — for sources that have not been operating in Louisiana for at least five years, a listing of all enforcement actions taken against the owner or operator for violations of all United States federal or state environmental laws or regulations, and any other compliance history information requested by the administrative authority.~~

3. Unless otherwise specified in this Subchapter, ~~Each~~ application for a permit to modify ~~an new or~~ existing major source facility shall include, in addition to the information required in Paragraph B.2 of this Section, the following information:

a. - b. ...

c. calculations of estimates of emissions before and after the changes are completed, in sufficient detail to allow assessment of the validity of the calculations;

d. — for sources that have been operating in Louisiana for a period of at least five years, a listing of all violations of Louisiana air quality laws or regulations for which the owner or operator is responsible, including all violations for which a compliance schedule has been established and which have been cited in administrative enforcement actions by the department, and for which all rights of review and appeal have been exhausted. Applicants under a compliance schedule shall also demonstrate that they have made satisfactory progress in meeting the conditions of the compliance schedule. Applicants shall also provide a listing of all administrative or judicial actions taken against the owner or operator within the last five years under Louisiana environmental laws or regulations, including emergency cease and desist orders, notices of violation, compliance orders, penalty notices, or other administrative orders and any administrative or judicial proceedings that could result in such actions, and any other compliance history information requested by the administrative authority;

e. — for sources that have not been operating in Louisiana for at least five years, a listing of all enforcement actions taken against the owner or operator for violations of United States federal or state environmental laws or regulations, and any other compliance history information requested by the administrative authority.

4. Any application corresponding to a major source that emits or is permitted to emit any Class I or Class II toxic air pollutant ~~at a rate equal to or greater than the minimum emission rate listed for that pollutant in LAC 33:III.5112, Table 51.1~~ shall include a description of equipment and/or procedures to be used for control and monitoring of emissions that will constitute MACT all federal standards (i.e., any standards promulgated by the US EPA in 40

CFR Part 63) and compliance methods applicable to units being permitted. ~~The application shall also include the rationale for determining MACT.~~

5. The department may request a dispersion modeling report developed by the owner or operator in accordance with the department's air toxics modeling procedures.

6. The owner or operator shall provide such other pertinent information as may be necessary for a complete understanding of the application ~~which~~ that is being reviewed.

~~C. Permit Review Process~~

~~1. Within 110 days from the date the permit application is received, the department shall perform a completeness review and submit a written notification to the applicant of any deficiencies.~~

~~a. If the application lacks information necessary for proper evaluation, the administrative authority shall require resubmittal of the completed application by a date specified by the administrative authority which shall be at least 30 days from written notification.~~

~~b. If an applicant fails or refuses to correct deficiencies in the application or to provide additional information requested by the administrative authority by the date specified, the permit shall be denied.~~

~~2. For all permits relating to oil and gas wells and pipelines, the administrative authority shall provide notice of completeness within 14 work days from receipt. Issuance of the permit or notice of denial shall be provided within 60 work days of notice of completeness.~~

~~3. If the administrative authority determines that operation of a stationary source for which an application was submitted will not result in violation of a standard as set forth in this Chapter, the administrative authority may issue a permit.~~

~~4. Permits issued by the administrative authority under this Subchapter shall be valid for a period of five years from the date of issuance at which time they will be subject to review by the administrative authority.~~

~~a. Upon review, the administrative authority may extend any such permit for a period not to exceed five years from the date of expiration. Before final action is taken upon a permit under review, a notice of the permit filed for review will be published to allow adequate time for public comment.~~

~~b. Permits under review shall remain in force until review is complete and the permit is acted upon by the administrative authority.~~

~~5. Neither the submittal of an application for a permit nor the administrative authority's granting of a permit for construction or modification shall:~~

~~a. relieve an owner or operator of legal responsibility for compliance with any applicable provision of this Subchapter or of any other applicable federal, state, or local requirement; or~~

~~b. prevent the administrative authority from implementing or enforcing this Subchapter or taking any other action under the Act.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 and 2060 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:1204 (December 1991), amended LR 18:1363 (December 1992), LR 19:891 (July 1993), repromulgated LR 19:1314 (October 1993), amended LR 23:59 (January 1997), amended by the Office of the

Secretary, LR 25:661 (April 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2461 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2447 (October 2005), LR 33:**.

§5112. Tables—51.1, 51.2, 51.3

Table 51.1, Class I. – Class II. ...

Table 51.1 Minimum Emission Rates Toxic Air Pollutants Class III. Acute and Chronic (Non-Carcinogenic) Toxins			
Compounds	CAS Number	Synonyms	Minimum Emission Rate (Pounds/year)
* * *			
[See Prior Text in Acrylic acid - Hydrochloric acid]			
Hydrofluoric acid	7664-39-3	Hydrogen fluoride	63.0
Hydrogen cyanide	74-90-8	Cyclon	800.0
Hydrogen fluoride	7664-39-3	Fluoric acid	63.0
Hydrogen sulfide	7783-06-4		1,000.0
* * *			
[See Prior Text in Maleic anhydride - Zinc (and compounds) [1][12]]			

Explanatory Notes:

[1]. – [12]. ...

Table 51.2 Louisiana Toxic Air Pollutant Ambient Air Standards				
Compounds	CAS Number	Class	Ambient Air Standard	
			(µg/m ³ *) (8 Hour Avg.)	(µg/m ³ **) (Annual Avg.)
Acetaldehyde	75-07-0	II	4,290.00 [13]	
Acetaldehyde	75-07-0	II		45.50 [14]
Acetonitrile	75-05-8	II	940.00 [13]	
Acetonitrile	75-05-8	II	810.00 [14]	
Acrolein	107-02-8	II	5.40	
* * *				
[See Prior Text in Acrylamide - Antimony (and compounds) [1]]				
Arsenic (and compounds) [1] [15] [13]	7440-38-2	I		0.02
Asbestos (friable)	1332-21-4	I		+
Barium (and compounds) [1]	7440-39-3	II	11.90	
Benzene	71-43-2	I		12.00
Beryllium (and compounds)[1]	7440-41-7	I		0.04
Biphenyl	92-52-4	II	31.00 [13]	
Biphenyl	92-52-4	II	23.80 [14]	
Bis (2-chloroethyl) ether	111-44-4	I		0.30
1,3-Butadiene	106-99-0	II		0.92
n-Butyl alcohol	71-36-3	III	3,620.00	
Cadmium (and compounds) [1]	7440-43-9	I		0.06
Carbon disulfide	75-15-0	II	86.00 [13]	
Carbon disulfide	75-15-0	II	71.40 [14]	

Table 51.2
Louisiana Toxic Air Pollutant Ambient Air Standards

Compounds	CAS Number	Class	Ambient Air Standard	
			($\mu\text{g}/\text{m}^3$ *) (8 Hour Avg.)	($\mu\text{g}/\text{m}^3$ **) (Annual Avg.)
Carbon tetrachloride	56-23-5	II		6.67
Carbonyl sulfide	463-58-1	III	582.00	
Chlorinated dibenzo-p-dioxins [2]	3268-87-9	II		.003
Chlorinated dibenzo furans [3]	51207-31-9	II		.003
Chlorine	7782-50-5	III	35.7	
Chlorine dioxide	10049-04-4	II	6.67	
Chlorobenzene	108-90-7	II	1,100.00	
Chloroethane	75-00-3	II	62,900.00 [13]	
Chloroethane	75-00-3	II	6,290.00 [14]	
Chloroform	67-66-3	II		4.30
Chloromethane	74-87-3	II		55.56
Chloroprene	126-99-8	II	857.00	
Chromium VI (and compounds) [1][45 13]	7440-47-3	I		0.01
Copper (and compounds) [1]	7440-50-8	II	23.80	
Cresol [4]	1319-77-3	III	276.00 [13]	
Cresol [4]	1319-77-3	III	238.00 [14]	
Cumene	98-82-8	III	5,860.00	
Diaminotoluene	25376-45-8	II	181.00	
1,2-Dibromoethane	106-93-4	I		0.45
Dibutyl phthalate	84-74-2	II	119.00	
1,4-Dichlorobenzene	106-46-7	II	10,700.00 [13]	
1,4-Dichlorobenzene	106-46-7	II	1,430.00 [14]	
1,2-Dichloroethane	107-06-2	II		3.85
Dichloromethane	75-09-2	II		212.77
1,2-Dichloropropane	78-87-5	II	8,260.00	
1,3-Dichloropropylene	542-75-6	II	107.00	
2,4-Dinitrotoluene [5]	121-14-2	II	35.70 [13]	
2,4-Dinitrotoluene [5]	121-14-2	II	4.76 [14]	
2,6-Dinitrotoluene [5]	606-20-2	II	35.70 [13]	
2,6-Dinitrotoluene [5]	606-20-2	II	4.76 [14]	
1,4-Dioxane	123-91-1	II	2,140.00	
Epichlorohydrin	106-89-8	I		83.00
Ethyl acrylate	140-88-5	II	476.00	
Ethyl benzene	100-41-4	II	10,300.00	
Ethylene glycol	107-21-1	III	3,020.00 [13]	
Ethylene glycol	107-21-1	III	2,380.00 [14]	
Ethylene oxide	75-21-8	I		1.00
* * *				
[See Prior Text in Formaldehyde - Hydrochloric acid]				
Hydrofluoric acid	7664-39-3	III	61.90	
Hydrogen cyanide	74-90-8	III	260.00	
Hydrogen fluoride	7664-39-3	III	61.90	
Hydrogen sulfide	7783-06-4	III	330.00	
Maleic anhydride	108-31-6	III	23.80	
Manganese (and compounds) [1]	7439-96-5	II	27.60 [13]	
Manganese (and compounds) [1]	7439-96-5	II	4.76 [14]	
Mercury (and compounds) [1]	7439-97-6	II	1.19	

Table 51.2 Louisiana Toxic Air Pollutant Ambient Air Standards				
Compounds	CAS Number	Class	Ambient Air Standard	
			(µg/m ³ *) (8 Hour Avg.)	(µg/m ³ **) (Annual Avg.)
* * *				
[See Prior Text in Methanol - Xylene (mixed isomers) [9]]				
Zinc (and compounds) [1][10][45 13]	7440-66-6	III	119.00	

Explanatory Notes:

* - [11]. ...

[12] Includes the following compounds: Naphthalene (CAS Number 91-20-3), Methylnaphthalene (CAS Number 1321-94-4), 1-Methylnaphthalene (CAS Number 90-12-0), 2-Methylnaphthalene (CAS Number 91-57-6).

[13] — Effective until January 1, 2002.

[14] — Effective starting date is January 1, 2002. Compliance with the revised ambient air standards is to be addressed in the permitting process after the effective date.

[135] Zinc chromates and zinc arsenates are Class I TAPs regulated as carcinogens under Chromium VI (and compounds) and arsenic (and compounds) TAP categories.

Table 51.3 – Explanatory Note [4]. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 and 2060 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:1331 (December 1995), amended LR 22:278 (April 1996), LR 24:1277 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1237 (July 1999), LR 26:2004 (September 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 33:*. .

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

LOG #: AQ256

Person

Preparing

Statement: Jim OrgeronDept.: Environmental QualityPhone: (225) 219-3578Office: Environmental AssessmentReturn
Address: P O Box 4314
Baton Rouge, LA 70821-4314Rule
Title: Comprehensive Toxic Air Pollutant
Emission Control Program
(LAC 33:III.211, 223, 551, 5101,
5103, 5105, 5107, 5109, 5111,
5112)

Date Rule

Takes Effect: Upon Promulgation**SUMMARY**

(Use complete sentences)

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no implementation costs or savings to state or local governmental units resulting from the promulgation of this rule. Reporting requirements for some regulated industrial sources will be relaxed, resulting in a small reduction in workload.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Approximately 60 percent of facilities will no longer report to the Toxics Emissions Data Inventory (TEDI), resulting in a loss of fees to DEQ estimated to be from \$24,000 to \$45,000 per year.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

Approximately 180 facilities will no longer report to TEDI, resulting in some reduction in reporting costs and the associated fees. Each of the facilities released from reporting can expect to save at least \$132 per year. Approximately 120 facilities face an increase in costs due to a possible increase in reporting frequency for unauthorized releases. DEQ cannot anticipate the frequency of unauthorized releases, but believes reporting costs would be small.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule is estimated to have no effect on competition or employment.

Signature of Agency Head or Designee

Legislative Fiscal Officer or Designee

Herman Robinson, CPM, Executive Counsel
Typed Name and Title of Agency Head or Designee

Date of Signature

Date of Signature

LFO 03/09/2001

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

The following information is requested in order to assist the Legislative Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriate legislative oversight subcommittee in its deliberation on the proposed rule.

- A. Provide a brief summary of the content of the rule (if proposed for adoption, or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the notice of intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of a rule change, copies of both the current and proposed rules with amended portions indicated).

The rule revises the air toxics rule in the following ways:

- eliminates obsolete rule language and most rule language concerning compliance plans and certifications of compliance;
- removes obsolete LDEQ requirements;
- clarifies area (minor) and major source requirements;
- utilizes applicable federal Maximum Achievable Control Technology (MACT) rules (40 CFR Part 63) for state MACT;
- eliminates the exemption for electric steam generating units;
- moves discharge reporting requirements to LAC 33:1.Chapter 39;
- exempts area (minor) sources from submitting TEDI reports; and
- revises public notice requirements.

- B. Summarize the circumstances which require this action. If the Action is required by federal regulation, attach a copy of the applicable regulation.

This rule has been in effect for 15 years. It currently contains dated language that needs to be removed or modified. Updating the rule also addresses requests from industry to streamline the rule.

- C. Compliance with Act 11 of the 1986 First Extraordinary Session

(1) Will the proposed rule change result in any increase in the expenditure of funds? If so, specify amount and source of funding.

No increase in the expenditure of funds is expected.

(2) If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase?

(a) ____ Yes. If yes, attach documentation.

(b) ____ No. If no, provide justification as to why this rule change should be published at this time.

This question is not applicable.

FISCAL AND ECONOMIC IMPACT STATEMENT

WORKSHEET

I. **A. COSTS OR SAVINGS TO STATE AGENCIES RESULTING FROM THE ACTION PROPOSED**

1. What is the anticipated increase (decrease) in costs to implement the proposed action?

COSTS	FY 06-07	FY 07-08	FY08-09
PERSONAL SERVICES			
OPERATING EXPENSES			
PROFESSIONAL SERVICES			
OTHER CHARGES			
EQUIPMENT			
TOTAL	-0-	-0-	-0-
MAJOR REPAIR & CONSTR.			
POSITIONS (#)	-0-	-0-	-0-

2. Provide a narrative explanation of the costs or savings shown in "A.1.", including the increase or reduction in workload or additional paperwork (number of new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs.

DEQ may realize some savings with respect to labor costs because fewer facilities will report. With fewer facilities reporting, there will be a reduction in the annual fees and a resulting small savings associated with the DEQ computerized invoicing process.

3. Sources of funding for implementing the proposed rule or rule change.

SOURCE	FY 06-07	FY 07-08	FY08-09
STATE GENERAL FUND			
AGENCY SELF-GENERATED			
DEDICATED			
FEDERAL FUNDS			
OTHER (Specify)			
TOTAL	-0-	-0-	-0-

4. Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?

No funds are necessary to implement these rule revisions.

B. COST OR SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THE ACTION PROPOSED.

1. Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact.

There are no local government units to which this rule is applicable.

2. Indicate the sources of funding of the local governmental unit which will be affected by these costs or savings.

This question is not applicable.

FISCAL AND ECONOMIC IMPACT STATEMENT**WORKSHEET****II. EFFECT ON REVENUE COLLECTIONS OF STATE AND LOCAL GOVERNMENTAL UNITS**

- A. What increase (decrease) in revenues can be anticipated from the proposed action?

REVENUE INCREASE/DECREASE	FY 06-07	FY 07-08	FY08-09
STATE GENERAL FUND			
AGENCY SELF-GENERATED	(45,000)	(45,000)	(45,000)
RESTRICTED FUNDS*			
FEDERAL FUNDS			
LOCAL FUNDS			
TOTAL	(45,000)	(45,000)	(45,000)

*Specify the particular fund being impacted.

- B. Provide a narrative explanation of each increase or decrease in revenues shown in "A." Describe all data, assumptions, and methods used in calculating these increases or decreases.

The proposed regulation eliminates the requirement for area sources to report to TEDI. Historically, fees were calculated by accumulating the emissions by air toxics class by facility and applying LAC 33:III.Chapter 2 fee data for each class. The figures above were calculated in the same manner using 2005 TEDI data for facilities that will be released from reporting. The calculated fee was compared to the minimum fee for air toxics sources (\$132.00), and the higher number was used.

III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS

- A. What persons or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs, including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.), they may have to incur as a result of the proposed action.

Facilities affected by LAC 33:III.Chapter 51 that have reduced their potential emissions to become area (minor) sources of air toxics will be affected by the proposed rule. An estimated 180 facilities will no longer be required to report annually, resulting in less paperwork, some lower costs, and workload adjustments. However, those facilities that remain subject to the annual reporting requirement may, depending on how often these facilities experience upset conditions, face higher reporting costs for unauthorized discharges. As the discharge reporting requirements were moved to LAC 33:I.Chapter 39, reportable quantities for about 35 air toxics to be used in the event of a non-emergency condition, decreased. Based upon the amount of the reportable quantity decreases and the amount of the toxic air pollutant routinely emitted, it is estimated that less than ten reportable quantity decreases will actually have an effect and cause increased reporting.

- B. Also provide an estimate and a narrative description of any impact on receipts and/or income resulting from this rule or rule change to these groups.

The facilities will realize a very small decrease in cost because these area sources will be released from a reporting requirement and associated fee on the average of \$250 per facility per year.

IV. EFFECTS ON COMPETITION AND EMPLOYMENT

Identify and provide estimates of the impact of the proposed action on competition and employment in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.

The impacts are so small that we anticipate there will be no repercussions on competition or employment.